

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

F.L.B., et al.,

Plaintiffs,

v.

LORETTA E. LYNCH, et al.,

Defendants.

No. 2:14-cv-01026

DEFENDANTS' ANSWER TO THE
THIRD AMENDED COMPLAINT

I. Preliminary Statement

1. This paragraph consists of Plaintiffs' characterization of the lawsuit and, accordingly, no response is required. To the extent that the Court requires a response, Defendants deny the allegations in this paragraph.

2. This paragraph consists of Plaintiffs' characterization of the lawsuit and, accordingly, no response is required. To the extent that the Court requires a response, Defendants deny the allegations in this paragraph.

3. This paragraph consists of Plaintiffs' characterization of the lawsuit and legal conclusions to which no response is required. To the extent that the Court requires a response, Defendants deny the allegations in this paragraph.

1 **4.** This paragraph consists of Plaintiffs' characterization of the lawsuit and legal
2 conclusions to which no response is required. To the extent that the Court requires a response,
3 Defendants deny the allegations in this paragraph.

4 **5.** This paragraph consists of Plaintiffs' characterization of the lawsuit and,
5 accordingly, no response is required. To the extent that the Court requires a response,
6 Defendants deny the allegations in this paragraph.

7 **6.** This paragraph consists of Plaintiffs' characterization of the lawsuit and legal
8 conclusions to which no response is required. To the extent that the Court requires a response,
9 Defendants deny the allegations in this paragraph.

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11 **II. Jurisdiction and Venue**

12 **7.** Defendants admit the allegations in this paragraph.

13 **8.** Defendants deny that the statutory provisions listed in this paragraph provide
14 the Court with subject matter jurisdiction over the claims made in this lawsuit.

15 **9.** Defendants admit that the Court has personal jurisdiction over Defendants in
16 the Western District of Washington.

17 **10.** This paragraph contains legal conclusions to which no response is necessary.
18 To the extent that the Court requires a response, Defendants deny the allegations in this
19 paragraph.

20 **11.** This paragraph contains legal conclusions to which no response is necessary.
21 To the extent that the Court requires a response, Defendants deny the allegations in this
22 paragraph.

1 **12.** Defendants deny that venue is proper in this judicial district. The Court,
2 however, has already considered and denied Defendants' motion to dismiss under Rule
3 12(b)(3). *See* ECF No. 264.

4 **III. Parties**

5 **A. Plaintiffs**

6 **13.** The Court dismissed J.E.F.M. from this case on January 14, 2016. *See* ECF
7 No. 224. Accordingly, no further response is required from Defendants.

8 **14.** The Court dismissed J.F.M. from this case on January 14, 2016. *See* ECF No.
9 224. Accordingly, no further response is required from Defendants.

10 **15.** The Court dismissed D.G.F.M. from this case on January 14, 2016. *See* ECF
11 No. 224. Accordingly, no further response is required from Defendants.

12 **16.** Defendants admit that F.L.B. is a native and citizen of Guatemala but deny that
13 he is 16 years old. Defendants lack sufficient information to admit or deny the allegations in
14 the second sentence of this paragraph. Defendants admit the allegations in the third sentence
15 of this paragraph. Defendants admit that F.L.B. had a master calendar hearing in his removal
16 proceedings on May 20, 2015. Defendants aver further that F.L.B.'s next master calendar
17 hearing is scheduled for August 17, 2016. Defendants admit that F.L.B.'s hearings are set in
18 Seattle, Washington, but Defendants lack sufficient information to admit or deny the
19 allegation as to F.L.B.'s current representation status. Defendants admit the allegations in the
20 seventh sentence of this paragraph. Defendants lack sufficient information to admit or deny
21 the allegations in the last sentence of this paragraph.

22 **17.** Defendants admit that M.A.M. is a native and citizen of Honduras but deny
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1 that he is 17 years old. Defendants lack sufficient information to admit or deny the
2 allegations in the second and third sentences of this paragraph. Defendants admit the
3 allegations in the fourth sentence of this paragraph. Defendants admit that M.A.M.'s removal
4 proceedings remain ongoing, and aver that his next master calendar hearing is scheduled for
5 July 28, 2016. Defendants lack sufficient information as to his current representation status.
6 Defendants admit the allegations in the last sentence of this paragraph.
7

8 **18.** Defendants admit the allegations in this paragraph, except that Defendants lack
9 sufficient information to admit or deny the allegations concerning A.E.G.E.'s current
10 residence, his representation status, and the employment status of A.E.G.E.'s next friend.
11 Defendants further aver that A.E.G.E.'s next hearing is scheduled for August 2016.
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13 **19.** The Court dismissed G.J.C.P. from this case on January 14, 2016. *See* ECF No.
14 224. Accordingly, no further response is required from Defendants.

15 **20.** The Court dismissed J.E.V.G. from this case on April 15, 2016. *See* ECF No.
16 264. Accordingly, no further response is required from Defendants.

17 **21.** Defendants admit the allegations in this paragraph, except that they lack
18 sufficient information to admit or deny E.G.C.'s current residence, his representation status,
19 the current location of his mother, and the employment status of his next friend. Defendants
20 further aver that E.G.C.'s next hearing is scheduled for June 2016.
21

22 **22.** Defendants admit the allegations in this paragraph, except that they lack
23 sufficient information to admit or deny A.F.M.J.'s current residence or her representation
24 status, and deny that she is 11 years old. Defendants aver further that A.F.M.J.'s next hearing
25 is scheduled for June 2016.
26

1 **23.** Defendants admit the allegations in this paragraph, except that they lack
2 sufficient information to admit or deny L.J.M.'s current residence or her representation status,
3 and deny that she is 3 years old. Defendants aver further that L.J.M.'s next hearing is
4 scheduled for June 2016.

5 **24.** Defendants admit the allegations in this paragraph, except that they lack
6 sufficient information to admit or deny M.R.J.'s current residence or his representation status,
7 and deny that he is a 1 year old. Defendants aver further that M.R.J.'s next hearing is
8 scheduled for June 2016.

9 **25.** Defendants admit the allegations in this paragraph, except that they lack
10 sufficient information to admit or deny J.R.A.P.'s current residence, his representation status,
11 or the relationship between Ms. Peguero and J.R.A.P.'s family. Defendants deny that J.R.A.P.
12 is 7 years old. Defendants aver further that J.R.A.P.'s next hearing is scheduled for June
13 2016.

14 **26.** Defendants admit the allegations in this paragraph, except that they lack
15 sufficient information to admit or deny K.N.S.M.'s current residence or her representation
16 status. Defendants deny that K.N.S.M. is 9 years old. Defendants aver further that
17 K.N.S.M.'s next hearing is scheduled for May 2016.

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20 **B. Defendants**

21 **27.** Defendants admit the allegations in this paragraph.

22 **28.** Defendants admit the allegations in this paragraph.

23 **29.** Defendants admit the allegations in this paragraph.

24 **30.** Defendants admit the allegations in this paragraph.

1 **31.** The Court dismissed the claims against León Rodríguez in his official capacity
2 as Director of United States Citizenship and Immigration Services. *See* ECF No. 264.

3 Accordingly, no further response is required from Defendants.

4 **32.** Defendants admit the allegations in this paragraph.

5 **33.** Defendants admit the allegations in this paragraph.

6 **34.** Defendants deny that that Bryan Wilcox is the Acting Field Office Director for
7 the Seattle Field Office of ICE. The current Field Office Director is Nathalie Asher.
8 Defendants deny that the Office has custody of any of the named Plaintiffs.
9

10 **35.** Defendants deny that that Lisa McDaniel is the Field Office Director for the
11 Seattle Field Office of ICE and also deny that the Office has custody of any of the named
12 Plaintiffs.
13

14 **IV. Factual Background**

15 **A. Children Facing Deportation**

16 **36.** This paragraph consists of Plaintiffs' characterization of the lawsuit and,
17 accordingly, no response is required. To the extent that the Court requires a response,
18 Defendants lack sufficient information to admit or deny the general allegations in this
19 paragraph.
20

21 **37.** Defendants lack sufficient information to admit or deny the allegations in this
22 paragraph.
23

24 **38.** Defendants deny the allegations in this paragraph.

25 **B. The Structure of Immigration Proceedings for Children**

26 **39.** This paragraph contains Plaintiffs' general characterizations of removal

1 proceedings rather than specific alleged facts and, accordingly, Defendants are not required to
2 respond to the allegations in this paragraph. To the extent that the Court requires a response,
3 Defendants deny these allegations.

4 **40.** This paragraph contains Plaintiffs' general characterizations of immigration
5 law rather than specific alleged facts and, accordingly, Defendants are not required to respond
6 to the allegations in this paragraph. To the extent that the Court requires a response,
7 Defendants deny these allegations.
8

9 **41.** This paragraph contains Plaintiffs' general characterizations of removal
10 proceedings rather than specific alleged facts and, accordingly, Defendants are not required to
11 respond to the allegations in this paragraph. To the extent that the Court requires a response,
12 Defendants deny these allegations.
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14 **42.** This paragraph contains Plaintiffs' general characterizations of removal
15 proceedings rather than specific alleged facts and, accordingly, Defendants are not required to
16 respond to the allegations in this paragraph. To the extent that the Court requires a response,
17 Defendants deny these allegations.

18 **43.** This paragraph contains Plaintiffs' general characterizations of removal
19 proceedings rather than specific alleged facts and, accordingly, Defendants are not required to
20 respond to the allegations in this paragraph. To the extent that the Court requires a response,
21 Defendants deny these allegations.
22

23 **44.** This paragraph contains Plaintiffs' general characterizations of removal
24 proceedings rather than specific alleged facts and, accordingly, Defendants are not required to
25 respond to the allegations in this paragraph. To the extent that the Court requires a response,
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1 Defendants deny these allegations.

2 **45.** Defendants lack sufficient knowledge or information to admit or deny the
3 broad generalizations made in this paragraph.

4 **46.** Defendants lack specific knowledge or information to admit or deny the
5 conclusions in this paragraph. Defendants aver further that the cited authorities speak for
6 themselves.

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8 **47.** This paragraph contains Plaintiffs' general characterizations of removal
9 proceedings rather than specific alleged facts and, accordingly, Defendants are not required to
10 respond to the allegations in this paragraph. To the extent that the Court requires a response,
11 Defendants deny these allegations. Defendants aver further that the cited authorities speak for
12 themselves.

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14 **48.** This paragraph contains Plaintiffs' general characterizations of removal
15 proceedings rather than specific alleged facts and, accordingly, Defendants are not required to
16 respond to the allegations in this paragraph. To the extent that the Court requires a response,
17 Defendants admit these allegations.

18 **49.** This paragraph contains Plaintiffs' general characterizations of removal
19 proceedings rather than specific alleged facts and, accordingly, Defendants are not required to
20 respond to the allegations in this paragraph. To the extent that the Court requires a response,
21 Defendants deny these allegations. Defendants aver further that the cited authorities speak for
22 themselves.

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24 **50.** This paragraph contains Plaintiffs' general characterizations of removal
25 proceedings rather than specific alleged facts and, accordingly, Defendants are not required to
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1 respond to the allegations in this paragraph. To the extent that the Court requires a response,
2 Defendants deny these allegations. Defendants aver further that the cited authorities speak for
3 themselves.

4 **51.** This paragraph contains Plaintiffs' general characterizations of removal
5 proceedings rather than specific alleged facts and, accordingly, Defendants are not required to
6 respond to the allegations in this paragraph. To the extent that the Court requires a response,
7 Defendants deny these allegations. Defendants aver further that the cited authorities speak for
8 themselves. Additionally, Defendants lack specific knowledge or facts concerning the
9 Plaintiffs' abilities to comprehend their removal proceedings.

10 **52.** This paragraph contains Plaintiffs' general characterizations of removal
11 proceedings rather than specific alleged facts and, accordingly, Defendants are not required to
12 respond to the allegations in this paragraph. To the extent that the Court requires a response,
13 Defendants deny these allegations.

14 **53.** This paragraph contains Plaintiffs' general characterizations of removal
15 proceedings, and the issues in this case, rather than specific alleged facts. Accordingly,
16 Defendants are not required to respond to the allegations in this paragraph. To the extent that
17 the Court requires a response, Defendants deny these allegations.

18 **54.** This paragraph contains Plaintiffs' general characterizations of removal
19 proceedings, and the issues in this case, rather than specific alleged facts. Accordingly,
20 Defendants are not required to respond to the allegations in this paragraph. To the extent that
21 the Court requires a response, Defendants deny these allegations.

22 **55.** This paragraph contains Plaintiffs' general characterizations of removal
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1 proceedings, and the issues in this case, rather than specific alleged facts. Accordingly,
2 Defendants are not required to respond to the allegations in this paragraph. To the extent that
3 the Court requires a response, Defendants deny these allegations. Additionally, on April 13,
4 2015, the Court held that it lacked jurisdiction to consider claims filed by Plaintiffs who have
5 already been ordered removed in absentia. *See* Order at 11, ECF No. 114.
6

7 **C. The Federal Government's Response to the Legal Needs of Children**
8 **Facing Deportation**

9 **56.** This paragraph contains Plaintiffs' general characterizations of removal
10 proceedings rather than specific alleged facts and, accordingly, Defendants are not required to
11 respond to the allegations in this paragraph. To the extent that the Court requires a response,
12 Defendants deny these allegations. Defendants aver further that the cited publications speak
13 for themselves.

14 **57.** This paragraph contains Plaintiffs' general characterizations of removal
15 proceedings rather than specific alleged facts and, accordingly, Defendants are not required to
16 respond to the allegations in this paragraph. To the extent that the Court requires a response,
17 Defendants deny these allegations. Defendants aver further that the cited publications speak
18 for themselves.
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20 **58.** Defendants lack specific knowledge or facts to admit or deny the allegation in
21 the first sentence of this paragraph. Defendants admit the Government has prioritized the
22 scheduling of initial master calendar hearings for removal proceedings of certain recent
23 entrants into the United States, but deny that the removal proceedings of these individuals as a
24 whole are otherwise "expedited." Defendants aver further that the cited publications speak for
25 themselves, and that the Government issued guidance on February 3, 2016, setting forth that
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1 initial master calendar hearings of certain recent entrants should be scheduled for no earlier
2 than 30 days and no more than 90 days from the immigration court's receipt of the Notice To Appear.
3 See Print Maggard, Chief Immigration Judge (Acting) Revised Docketing Practices relating to Certain
4 Priority Cases (Feb. 3, 2016).

5 **59.** Defendants admit the allegations in the first sentence. Defendants aver that the
6 unknown sources referenced in the second sentence speak for themselves. To the extent that
7 the court requires a response to the allegations in the second sentence, Defendants deny these
8 allegations. Defendants admit that some unrepresented children have pleaded to charges, been
9 granted voluntary departure, or have been ordered removed either in absentia or at the
10 conclusion of removal proceedings.

11 **60.** This paragraph contains Plaintiffs' general characterizations of removal
12 proceedings rather than specific alleged facts and, accordingly, Defendants are not required to
13 respond to the allegations in this paragraph. To the extent that the Court requires a response,
14 Defendants deny these allegations. Defendants aver further that the cited publications speak
15 for themselves.

16 **61.** Defendants lack specific information to admit or deny the allegations in this
17 paragraph. To the extent that the Court requires a response, Defendants deny the allegations in
18 this paragraph.

19 **62.** This paragraph contains Plaintiffs' general characterizations and predictions
20 about the government's efforts to provide children with legal representation in removal
21 proceedings rather than specific alleged facts. Accordingly, no response is required. To the
22 extent that the Court requires a response, Defendants admit that the Government has programs
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1 in Houston and Los Angeles to pay for legal representation of some children but denies that
2 these programs were recently initiated. Defendants lack sufficient information to admit or
3 deny the remaining allegations in this paragraph.

4 **63.** Defendants aver that the letter referenced in this paragraph urged Defendants
5 to take measures to ensure that indigent children are provided legal representation. Defendants
6 admit the remaining allegations in this paragraph.

7 **64.** The Defendants admit the allegations in this paragraph.

8 **65.** Defendants lack specific knowledge or facts to admit or deny the allegations in
9 the first sentence of this paragraph. Defendants deny the allegations in the second sentence.
10 Defendants admit that the justiceAmericorps program provides legal representation to
11 unaccompanied children who are under the age of 16 but deny the remaining allegations in
12 this paragraph. Defendants aver further that the cited publications speak for themselves.
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14 **66.** Defendants aver that the cited Federal Register notice speaks for itself.

15 **67.** Defendants admit the allegations in the first sentence of this paragraph, and
16 aver that the language of the Request for Proposals speaks for itself. Defendants lack specific
17 knowledge or facts to admit or deny the allegations concerning the number of minors in
18 removal proceedings without counsel.
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20 **68.** Defendants aver that the cited report speaks for itself.

21 **69.** Defendants aver that the citations speak for themselves.

22 **70.** Defendants aver that the cited documents speak for themselves.

23 **71.** This paragraph contains Plaintiffs' characterization of this lawsuit to which no
24 response is required. To the extent that the Court requires a response, Defendants deny the
25

1 allegations.

2 **D. The Plaintiffs**

3 **J.E.F.M.**

4 **72.** The Court dismissed J.E.F.M. from this case on January 14, 2016. *See* ECF
5 No. 224. Accordingly, no further response is required from Defendants.

6 **73.** The Court dismissed J.E.F.M. from this case on January 14, 2016. *See* ECF
7 No. 224. Accordingly, no further response is required from Defendants.

8 **74.** The Court dismissed J.E.F.M. from this case on January 14, 2016. *See* ECF
9 No. 224. Accordingly, no further response is required from Defendants.

10 **75.** The Court dismissed J.E.F.M. from this case on January 14, 2016. *See* ECF
11 No. 224. Accordingly, no further response is required from Defendants..

12 **J.F.M.**

13 **76.** The Court dismissed J.F.M. from this case on January 14, 2016. *See* ECF No.
14 224. Accordingly, no further response is required from Defendants.

15 **77.** The Court dismissed J.F.M. from this case on January 14, 2016. *See* ECF No.
16 224. Accordingly, no further response is required from Defendants.

17 **D.G.F.M.**

18 **78.** The Court dismissed D.G.F.M. from this case on January 14, 2016. *See* ECF
19 No. 224. Accordingly, no further response is required from Defendants.

20 **79.** The Court dismissed D.G.F.M. from this case on January 14, 2016. *See* ECF
21 No. 224. Accordingly, no further response is required from Defendants.

22 **80.** The Court dismissed D.G.F.M. from this case on January 14, 2016. *See* ECF
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1 No. 224. Accordingly, no further response is required from Defendants.

2 **F.L.B.**

3 **81.** Defendants admit the allegations in the first sentence of this paragraph, except
4 that they deny that F.L.B. is 16 years old. Defendants lack specific information to admit or
5 deny the remaining allegations in this paragraph.

6 **82.** Defendants lack specific information to admit or deny the allegations in this
7 paragraph.
8

9 **83.** Defendants admit that F.L.B. was apprehended by the Border Patrol in August
10 2013, and that he was later placed in the custody of ORR, but lack specific information to
11 admit or deny the remaining allegations in this paragraph.

12 **84.** Defendants admit the allegations in this paragraph. Defendants aver further
13 that the immigration judge told F.L.B., at his May 2015 hearing, that he could file his asylum
14 application with USCIS and could return to his next hearing, scheduled for August 2016, with
15 proof of such filing.
16

17 **85.** Defendants admit that Casey Trupin has appeared as F.L.B.'s next friend but
18 lack sufficient knowledge to admit or deny the remaining allegations in this paragraph.

19 **M.A.M.**

20 **86.** Defendants admit that M.A.M. is a native and citizen of Honduras but deny
21 that he is 17 years old. Defendants lack sufficient information to admit or deny the remaining
22 allegations in this paragraph.
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24 **87.** Defendants lack sufficient information to admit or deny the allegations in this
25 paragraph.
26

1 **88.** Defendants lack sufficient information to admit or deny the allegations in this
2 paragraph.

3 **89.** Defendants admit that ICE arrested M.A.M. in September 2011 after he was
4 released from local law enforcement custody and placed him into removal proceedings.
5 Defendants admit that ICE then released M.A.M. to his mother.

6 **90.** Defendants admit the allegations in this paragraph, but lack sufficient
7 information to admit or deny the allegations concerning assistance provided to him in filing a
8 self-petition for Special Immigration Juvenile status, his ability to afford or obtain counsel for
9 his removal proceedings, or his current representation status. Defendants further aver that his
10 most recent hearing was held in April 2016, and his next hearing is scheduled for July 2016.
11 Finally, Defendants deny that M.A.M.'s proceedings are adversarial.

12 **91.** Defendants admit that Rosa Pedro has appeared as M.A.M.'s next friend and is
13 his mother, but lack specific knowledge or facts to admit or deny the remaining allegations in
14 this paragraph.
15

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17 **A.E.G.E.**

18 **92.** Defendants admit the allegations in first sentence of this paragraph, but lack
19 sufficient information to admit or deny the remaining allegations.

20 **93.** Defendants admit the allegations in the first two sentences of this paragraph,
21 except that Defendants lack sufficient information regarding who left A.E.G.E. at the border.
22 Defendants admit further that A.E.G.E.'s mother is a lawful permanent resident and that he
23 was eventually released to her custody, but lack sufficient information to admit or deny the
24 remaining allegations in this paragraph.
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1 **94.** Defendants admit that A.E.G.E. is presently in removal proceedings and that
2 he was previously dismissed from this lawsuit. Defendants further aver that A.E.G.E.'s next
3 hearing is scheduled for August 2016. Defendants lack sufficient information to admit or
4 deny the remaining allegations in this paragraph.

5 **95.** Defendants admit that Ana Deutsch has appeared as A.E.G.E.'s next friend,
6 but lack specific knowledge or facts to admit or deny the remaining allegations in this
7 paragraph.
8

9 **G.J.C.P.**

10 **96.** The Court dismissed G.J.C.P. from this case on January 14, 2016. *See* ECF No.
11 224. Accordingly, no further response is required from Defendants.

12 **97.** The Court dismissed G.J.C.P. from this case on January 14, 2016. *See* ECF No.
13 224. Accordingly, no further response is required from Defendants.

14 **98.** The Court dismissed G.J.C.P. from this case on January 114, 2016. *See* ECF
15 No. 224. Accordingly, no further response is required from Defendants.

16 **99.** The Court dismissed G.J.C.P. from this case on January 14, 2016. *See* ECF No.
17 224. Accordingly, no further response is required from Defendants.

18 **100.** The Court dismissed G.J.C.P. from this case on January 14, 2016. *See* ECF No.
19 224. Accordingly, no further response is required from Defendants.

20 **101.** The Court dismissed G.J.C.P. from this case on January 14, 2016. *See* ECF No.
21 224. Accordingly, no further response is required from Defendants.

22 **102.** The Court dismissed G.J.C.P. from this case on January 14, 2016. *See* ECF No.
23 224. Accordingly, no further response is required from Defendants.

1 **J.E.V.G.**

2 **103.** The Court dismissed J.E.V.G. from this case on April 15, 2016. *See* ECF No.
3 264. Accordingly, no further response is required from Defendants.

4 **104.** The Court dismissed J.E.V.G. from this case on April 15, 2016. *See* ECF No.
5 264. Accordingly, no further response is required from Defendants.

6 **105.** The Court dismissed J.E.V.G. from this case on April 15, 2016. *See* ECF No.
7 264. Accordingly, no further response is required from Defendants.

8 **106.** The Court dismissed J.E.V.G. from this case on April 15, 2016. *See* ECF No.
9 264. Accordingly, no further response is required from Defendants.

10 **107.** The Court dismissed J.E.V.G. from this case on April 15, 2016. *See* ECF No.
11 264. Accordingly, no further response is required from Defendants.

12 **E.G.C.**

13 **108.** Defendants admit the allegations in the first sentence of this paragraph.
14
15 Defendants lack sufficient information to admit or deny the remaining allegations in this
16 paragraph, except that Defendants admit that he arrived at the United States border in
17 November 2013, was taken into custody by CBP officers, and initially placed into
18 consolidated removal proceedings with his mother and sisters.

19 **109.** Defendants lack sufficient information to admit or deny the allegations in this
20 paragraph, expect that Defendants admit that E.G.C. had a master calendar hearing in
21 December 2015. Defendants further aver that E.G.C.'s next hearing is scheduled for June
22 2016.

23 **110.** Defendants admit that Sonia McLeod has appeared in this case as E.G.C.'s
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1 next friend, but lack sufficient information to admit or deny the remaining allegations in this
2 paragraph.

3 **A.F.M.J.**

4 **111.** Defendants admit that A.F.M.J. was born in Mexico, but deny that she is 11
5 years old. Defendants lack sufficient information to admit or deny the remaining allegations
6 in this paragraph.
7

8 **112.** Defendants admit that A.F.M.J. was paroled into the United States in
9 September 2014, but lack sufficient information to admit or deny the remaining allegations in
10 this paragraph.

11 **113.** Defendants admit the allegations in the first sentence of this paragraph.
12 Defendants admit the allegations in the second sentence of this paragraph, except that
13 Defendants deny that the immigration judge stated that he would go forward with the case of
14 A.F.M.J. or her siblings at their next hearing regardless of whether they have an attorney.
15

16 **114.** Defendants lack sufficient information to admit or deny the allegations in this
17 paragraph, except that they admit that Maria Jimenez is A.F.M.J.'s mother and has appeared
18 as A.F.M.J.'s next friend in this case.

19 **L.J.M.**

20 **115.** Defendants admit that L.J.M. was born in Mexico, but deny that she is 3 years
21 old. Defendants lack sufficient information to admit or deny the remaining allegations in this
22 paragraph.
23

24 **116.** Defendants admit the allegations in the first sentence of this paragraph, but
25 lack sufficient information to admit or deny the remaining allegations.
26

1 **117.** Defendants admit the allegations in the first two sentences of this paragraph.
2
3 Defendants aver further that L.J.M. has had four hearings and her next hearing is scheduled
4 for June 2016. Defendants lack sufficient information to admit or deny the remaining
5 allegations in this paragraph, except that they admit that Maria Jimenez is L.J.M.'s mother
6 and she has appeared as L.J.M.'s next friend in this case.
7

8 **M.R.J.**

9 **118.** Defendants admit the allegations in the first sentence of this paragraph, but
10 deny that M.R.J. is a 1 year old. Defendants lack sufficient information to admit or deny the
11 remaining allegations in this paragraph, except that they admit that M.R.J. was paroled with
12 his sisters and mother in September 2014.
13

14 **119.** Defendants admit the allegations in the first two sentences of this paragraph.
15 Defendants aver further that M.R.J. has had four hearings, and her next hearing is scheduled
16 for June 2016. Defendants lack sufficient information to admit or deny the remaining
17 allegations in this paragraph, except that they admit that Maria Jimenez is M.R.J.'s mother,
18 and she has appeared as M.R.J.'s next friend in this case.
19

20 **J.R.A.P.**

21 **120.** Defendants admit the allegations in the first two sentences of this paragraph,
22 except that they deny that J.R.A.P. is 7 years old. Defendants lack sufficient information to
23 admit or deny the remaining allegations in this paragraph.
24

25 **121.** Defendants admit the allegations in the first three sentences of this paragraph,
26 but lack sufficient information to admit or deny the remaining allegations.

1 **122.** Defendants admit the allegation in the first sentence of this paragraph.
2 Defendants lack sufficient information to admit or deny the remaining allegations in this
3 paragraph, except that Defendants aver that J.R.A.P.'s next hearing is scheduled for June
4 2016.

5 **123.** Defendants admit that Katherine Peguero appears in this case as J.R.A.P.'s
6 next friend, but lack sufficient information to admit or deny the remaining allegations in this
7 paragraph.
8

9 **K.N.S.M.**

10 **124.** Defendants admit that K.N.S.M. is a native and citizen of Honduras, but deny
11 that she is 9 years old. Defendants lack sufficient information to admit or deny the remaining
12 allegations in this paragraph.
13

14 **125.** Defendants admit the allegation in the first four sentences of this paragraph,
15 but lack sufficient information to admit or deny the remaining allegations. Additionally,
16 Defendants lack sufficient information about the length of her interview with immigration
17 authorities.

18 **126.** Defendants admit the allegations in this paragraph, except that they lack
19 sufficient information to admit or deny the allegations about her mother's resources, and
20 Defendants further aver that K.N.S.M.'s next hearing is scheduled for May 2016.
21

22 **127.** Defendants admit that K.N.S.M.'s mother, Eloisa Sarahi Mejia Sevilla, has
23 appeared in this case as her next friend, but lack sufficient information to admit or deny the
24 remaining allegations.

25 **V. Legal Background**
26

1 **128.** This paragraph contains Plaintiffs' legal arguments and characterization of the
2 case, to which no response is required.

3 **129.** This paragraph contains Plaintiffs' legal arguments and characterization of the
4 case, to which no response is required. Defendants aver further the legal provisions speak for
5 themselves.

6 **130.** This paragraph contains Plaintiffs' legal arguments and characterization of the
7 case, to which no response is required. Defendants aver further the legal provisions speak for
8 themselves.

9 **131.** This paragraph contains Plaintiffs' legal arguments and characterization of the
10 case, to which no response is required. Defendants aver further the legal provisions speak for
11 themselves.

12 **132.** This paragraph contains Plaintiffs' legal arguments and characterization of the
13 case, to which no response is required. Defendants aver further the legal provisions speak for
14 themselves.

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17 **VI. Class Action Allegations**

18 **133.** Defendants admit that Plaintiffs seek to certify a class, but deny that
19 certification of the proposed class is permissible under the Federal Rules of Civil Procedure.

20 **134.** Defendants admit that Plaintiffs seek to certify a class, but deny that
21 certification of the proposed class is permissible under the Federal Rules of Civil Procedure.

22 **135.** Defendants admit that Plaintiffs seek to certify a class, but deny that
23 certification of the proposed class is permissible under the Federal Rules of Civil Procedure.

24 **136.** Defendants admit that Plaintiffs seek to certify a class, but deny that
25
26

1 certification of the proposed class is permissible under the Federal Rules of Civil Procedure.

2 **137.** Defendants admit that Plaintiffs seek to certify a class, but deny that
3 certification of the proposed class is permissible under the Federal Rules of Civil Procedure.

4 **138.** Defendants admit the allegations in this paragraph.

5 **139.** Defendants deny the allegations in this paragraph.

6 **140.** Defendants deny the allegations in this paragraph.

7
8 **VII. Claims for Relief**

9 **FIRST CAUSE OF ACTION**

10 **Violation of the Immigration and Nationality Act**

11 **(Against all Defendants by All Plaintiffs)**

12 **141.** The Court dismissed this claim on January 14, 2016. *See* ECF No. 224.
13
14 Accordingly, no further response is required.

15 **142.** The Court dismissed this claim on January 14, 2016. *See* ECF No. 224.
16
17 Accordingly, no further response is required.

18 **143.** The Court dismissed this claim on January 14, 2016. *See* ECF No. 224.
19
20 Accordingly, no further response is required.

21 **SECOND CAUSE OF ACTION**

22 **Violation of the Due Process Clause of the Fifth Amendment**

23 **(Against All Defendants by All Plaintiffs)**

24 **144.** Defendants incorporate their responses to each and every allegation contained
25 in the preceding paragraphs.

26 **145.** Defendants deny the allegations in this paragraph.

146. Defendants deny the allegations in this paragraph.

VIII. Prayer for Relief

Defendants deny that Plaintiffs are entitled to relief requested.

Affirmative Defenses

The Court lacks subject matter jurisdiction over Plaintiffs' claims.

1 DATED: May 16, 2016

Respectfully Submitted,

2 BENJAMIN C. MIZER
3 Principal Deputy Assistant Attorney General

4 LEON FRESCO
5 Deputy Assistant Attorney General

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7 Director, District Court Section
8 Office of Immigration Litigation

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26

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4 **CERTIFICATE OF SERVICE**

5 I HEREBY CERTIFY that on May 16, 2016, I electronically filed the foregoing with
6 the Clerk of the Court using the CM/ECF system, which will send notification of such filing
7 to all parties of record.
8

9
10 s/ William C. Silvis
11 **WILLIAM C. SILVIS**
12 Assistant Director
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